

SHAWN HALBERT (CSBN 179023)  
214 Duboce Avenue  
San Francisco, California 94103  
Telephone: (415) 703-0993  
shawn@shawnhalbertlaw.com

Attorney for Defendant Larry J. Gerrans

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA	)	CASE NO. CR 18-00310 EMC
	)	
v.	)	UNOPPOSED <i>EX PARTE</i> MOTION TO
	)	CONTINUE SENTENCING DATE TO OCTOBER
	)	7, 2020; [PROPOSED] ORDER
	)	
LARRY J. GERRANS,	)	
	)	
Defendant.	)	

**UNOPPOSED *EX PARTE* MOTION TO CONTINUE SENTENCING DATE**

Defendant Larry Gerrans hereby moves this Court to continue the sentencing date to October 7, 2020. Separately but relatedly, the defense will move the Court to order that the Los Angeles Metropolitan Detention Center provide attorney access to Larry Gerrans in the meantime, as the lack of access is the basis for the request for a continuance. The government does not oppose the request to continue the sentencing hearing to October 7, 2020, but does object to a continuance beyond that date. The government objects to any further motions or filings with the Court during this extended period of time, save and except that the parties' sentencing memoranda will now be due on September 30, 2020. The government takes no position on the defendant's request for an order providing defense counsel with at least two telephone calls per week through sentencing.

1 The basis of the request for a continuance is that since Larry Gerrans was moved to the Los  
2 Angeles Metropolitan Detention Center more than one month ago, undersigned counsel has been able to  
3 speak to him only one time, on August 20, 2020.<sup>1</sup> Undersigned counsel has contacted the jail numerous  
4 times over the past month to request legal calls. For a period of a few days approximately two weeks  
5 ago, counsel was communicating with a specific person at the jail but that stopped suddenly, and for a  
6 few days approximately three weeks ago, counsel received calls at her office number (rather than her  
7 cell phone) in order to set up a call with Mr. Gerrans; however, both before and after those isolated  
8 communications, the only responses to the defense correspondence requesting legal calls (as per the  
9 regulations) are automated email responses. Further, defense counsel learned on August 28, 2020 that  
10 the entire contents of a package that she sent to Mr. Gerrans that included an attorney-client letter, the  
11 Court's July 31, 2020 Order, briefing on the Forfeiture motion, as well as a waiver for Mr. Gerrans to  
12 sign and return to counsel, was either thrown away or will be returned to counsel because counsel  
13 included a self-addressed envelope (the package included stamps for Mr. Gerrans to send the signed  
14 waiver back to counsel). Undersigned counsel has not been able to discuss with Mr. Gerrans the  
15 standard matters that counsel needs to in order to prepare for sentencing, which is why she is requesting  
16 a continuance.

17 The government does not oppose the request for a continuance of the sentencing date to a date no  
18 later than October 7, 2020, as noted above, but as also stated above, does object to any further motions  
19 or filings with the Court during this extended period of time, save and except that the parties' sentencing  
20 memoranda. As the defense disclosed to the government, Mr. Gerrans' counsel does intend to file a  
21 motion for Mr. Gerrans' release to be heard at the sentencing hearing. This could be filed on the same  
22 time line as the sentencing memoranda or on a two-week hearing schedule. The defense intends to file  
23 this motion regardless of the sentencing date but believes it is appropriate for it to be heard on the  
24 sentencing date.

25 ///

---

26 <sup>1</sup> By her electronic signature below, undersigned counsel Shawn Halbert avers that the facts  
27 stated in this Unopposed Motion are true and correct to the best of her knowledge.

1 U.S. Probation Officer Jessica Goldsberry is available on October 7, 2020 in the afternoon, as  
2 she has another sentencing on the morning of October 7.

3  
4 Dated: September 1, 2020

Respectfully submitted,

5 /s/  
6 SHAWN HALBERT  
7 Counsel for Defendant Larry J. Gerrans  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**[PROPOSED] ORDER**

For good cause shown, IT IS HEREBY ORDERED THAT the sentencing date in this matter shall be continued from September 16, 2020 to October 7, 2020.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Edward M. Chen  
United States District Court